

(Draft – Awaiting Formal Approval)

**MINUTES OF THE  
SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE**

Liberty Senior Center, 251 E. 700 S. Salt Lake City

December 12, 2014 PM

**Members Present:** Sen. Allen M. Christensen, Co-Chair  
Sen. Diedre M. Henderson  
Sen. Peter. C. Knudson  
Sen. Todd Weiler  
Sen. Brian E. Shiozawa  
Sen. Evan Vickers  
Rep. Ronda Rudd Menlove, Co-Chair  
Rep. Daniel McCay, House Vice Chair  
Rep. Tim M. Cosgrove  
Rep. Paul Ray  
Rep. Edward H. Redd  
Rep. Earl D. Tanner

**Members Excused:** Sen. Luz Escamilla  
Rep. Brad L. Dee  
Rep. Rebecca Chavez-Houck  
Rep. Marc K. Roberts

**Members Absent:** President Wayne L. Niederhauser

**Staff Present:** Mr. Russell T. Frandsen, Fiscal Analyst  
Mr. Stephen C. Jardine, Fiscal Analyst  
Ms. Paula Winter, Secretary

**Note:** A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Call to Order**

Rep. Menlove called the meeting to order at 1:30 p.m.

**2. Follow up TANF Funding to Increase Services to Families in Need Statewide**

Nathan Harrison, Director of Finance, Department of Workforce Services (DWS), Introduced Karla Aguire, Assistant Director of Workforce Development, who was prepared to give an update on Temporary Assistance for Needy Families (TANF) funding. Sen. Christensen inquired about the legal guidelines for the use of TANF funds. Mr. Harrison replied that the information was in the document presented to the Committee and stated 4 basic guidelines for use. Rep. Menlove asked if the projects the Committee had recommended were appropriate for the TANF funding and Mr. Harrison replied that there was a long list and there were several identified that were funded with TANF funding. There were no other inquiries. Ms. Aguire proceeded to

address a previous question about pregnancy prevention and share information about other TANF services. She directed Committee members to the information document available.

### **3. Updates on the Affordable Care Act (ACA)**

Kevin Burt, Assistant Director of Program and Training, Department of Workforce Services (DWS), spoke about mandatory changes to the ACA and changes to Medicaid along with the transfer option element. He continued to speak about the “woodwork” effect from these changes which included employing 43 more people. He addressed other adjustments which had been made.

Nate Checketts, Utah Department of Health (UDOH), spoke on the release of physician rates on a temporary basis for 2013 and 2014. He also spoke about the changes in income levels which moved several from the Children’s Health Insurance Program (CHIP) program to Medicaid. He continued with information about the effect of mandatory changes. Sen. Christensen asked Mr. Checketts to comment on Children’s eligibility determination and parents with children determination. Mr. Checketts clarified the qualifying determination.

Sen. Vickers asked if there was any requirement to look at eligibility of clients. The reply was that there was no requirement but wages were looked at in the data base. An inquiry was made by Sen. Vickers about out of state clients and that was addressed by Mr. Checketts.

Rep. Tanner asked what parts of the Medicaid program still have asset requirements and Mr. Checketts indicated that they went away for children and a small portion of adults with children, and those who are pregnant.

Michael Hales, Director, Utah Department of Health (UDOH), addressed the issue of autism coverage. He explained new guidelines that had been received and that prior to this year coverage for autism has been optional for states. He stated that beginning this year, because of changes, those up to 21 who have autism will be covered for Early Periodic and Diagnosis Screening (EPDS) if they are enrolled in Medicaid. He also indicated that there is expected to be a fairly large fiscal impact. Mr. Hales continued to explain the development of this program.

Russell Frandsen, Fiscal Analyst, explained that this change is already included in the budget.

### **4. Audit and In-depth Budget Review of the Department of Human Services (DHS) by the Legislative Auditor General**

[An In-Depth Budget Review of the Department of Human Services](#)

[A Performance Audit of the Division of Services for People with Disabilities](#)

Rep. Menlove indicated that the DHS has been audited by the Legislative Auditor General and that information regarding that is available in the packet provided as well as a power point presentation. She asked the audit team to present the information collected.

Tim Osterstock, Office of the Legislative Auditor General, indicated that Jesse Martinson, Audit Team Lead, would present an in-depth budget review. Mr. Martinson explained the report findings indicating six divisions that were examined. He explained findings on efficiencies having to do with cost reduction. He referred to the document available and the details which showed all findings and recommendations.

Rep. Tanner commented on services outside by private providers and asked if there is a way to monitor whether that is working. Mr. Osterstock indicated there is no way to monitor that but perhaps language needs to be changed to be stronger.

Rep. Redd asked for clarification about the reason for reduction in adult beds in 2012 at the state hospital. Mr. Osterstock answered that was not dealt with but there was a movement at that time to reduce the beds.

Dallas Earnshaw, Superintendent, Utah State Hospital, replied also and indicated that was a time when they were asked to take cuts and the reduction was the result of that request.

Sen. Weiler commented on the Juvenile Justice Services' recidivism rates and wondered if other states use the same formula to determine their rates. Mr. Osterstock indicated that other states do use the same method or comparable methods.

DeAnna Herring, Audit Supervisor, read from the document provided to report the results from the Performance Audit of the Division of Services for People with Disabilities (DSPD) which also included recommendations.

Rep. Menlove invited Ann Williamson to the table to respond to how information from the audit will be dealt with.

Ann Silverburg Williamson, Director, Department of Human Services (DHS), thanked the auditors for their work and responded to the recommendations and affirmed that the DHS already had practices in place to address the recommendations. Ms. Williamson also indicated they have taken steps to improve the RAS requests.

Paul Smith, Director of Services for People with Disabilities, responded that the decision to determine whether something is a need or not is being determined by a system.

Rep. Tanner asked whether adults with autism is under DHS. Mr. Smith indicated that would be under their division but there is also other support in other departments.

Rep. Cosgrove desired follow-up from the privatized provider and information about adults with autism and Mr. Smith indicated that is being worked on currently. Rep. Cosgrove indicated he would like more follow up on that issue because these are, in his words, real people.

Ms. Williamson replied that the DHS is accountable to do a follow-up and it is being prepared.

## **5. Review of Provider Rates in the Department of Human Services**

Mark Brasher, Deputy Director, Department of Human Services (DHS), proceeded to explain the methodology used in determining costs and findings. Rep. Menlove requested that Mr. Brasher cover the big points of their findings and emphasized that this analysis was done in response to a request made by the Committee. Mr. Brasher reported that 92% of the funds were going to

direct services. He continued to explain their study and covered several figures. Rep. Menlove interjected that the question asked had been answered. He also addressed a question Rep. Redd had asked for by offering some figures.

Rep. Redd stated that this may be difficult to picture as to what this really means. He also stated that changing providers causes a big disruption in people with disabilities as well as changing living situations. He emphasized the stability of people and their jobs affects these people and job stability is important.

Rep. Menlove turned time over to Brent Platt, Director of Child and Family Services (DCFS), for an update regarding provider rates. He responded to two questions: 1) what would the cost be for a 1% increase for foster care providers across the state and 2) incentivizing foster care providers to take in groups of 4 or more from a family of siblings. Mr. Platt continued to cover information and recommendations being made regarding the two issues.

Sen. Christensen inquired where the limit of three came from for foster parents and Mr. Platt explained his perception of the cap of three. Sen. Christensen and Mr. Platt continued to explain how they are hoping to change the issue of three as a cap and also how families might take siblings.

Sen. Henderson asked a question regarding the cap of three and if that would increase the number of children having to go to group homes and also about a specific family in her area. Mr. Platt returned information about that case and some solutions for the situation.

Sen. Knudson asked about the maximum numbers for a day care that the state allows. Mr. Platt deferred to the Department of Health, Mark Babitz who relayed the information.

Rep. Redd relayed his feelings about how maybe these should be individually considered and that not "one size fits all". Mr. Platt stated that the cases are looked at individually and with discretion.

## **6. Response to the Utah Criminal Justice Center Drug Offender Reform Act (DORA) Findings and Evidence-based Treatment**

Issue Brief – 2014 Interim – DORA Program Report

USAAV DORA Report 2014

DORA Quick Facts – September 2014

Mary Lou Emerson, Director, Utah Substance Abuse Advisory Council, introduced Richard Nance, Co-Chair (Director, Utah County Department of Drug and Alcohol Prevention and Treatment) the DORA Oversight Committee and Nori Huntsman, Co-Chair (Correctional Administrator, Utah Department of Corrections) to present the information.

Nori Huntsman began by making a request to continue ongoing funding for DORA and continued with a second recommendation. Richard Nance explained a third recommendation which included the Healthy Utah Plan. He related several studies done to support their proposal.

Rep. Redd asked for an explanation of what the treatment plan looks like in DORA. Mr. Nance proceeded to explain with some specific details. There was continued discussion between Rep. Redd and Mr. Nance about the DORA program treatment plan.

Rep. Tanner asked what the impact of the Healthy Utah Plan would be and whether it would matter if it was worked through insurance or Medicaid. Mr. Nance reported that it would depend on the case and gave details to explain that.

Ms. Emerson thanked Rep. Menlove for her work and for asking difficult questions of the DORA program.

#### **7. Tour**

Rep. Menlove dismissed the Committee for a tour of the Senior Facility and a Mental Health transition unit.

Rep. Cosgrove assumed the Co-Chair position at the request of Rep. Menlove.

#### **8. Services for People with Disabilities Transportation Report**

Issue Brief - 2014 Interim – DSPD Transportation Service Study Report  
DSPD Transportation Rates Study 2014

Stephen Jardine, Fiscal Analyst, presented the information in the Brief. There were no comments or questions and Paul Smith, Director of Services for People with Disabilities, indicated he had no comments but would report later in the session.

#### **9. Child and Family Services In-home Waiver and Update Report**

DCFS HomeWorks Handout

Cosette Mills, Division of Child and Family Services (DCFS), presented an update of the implementation of the federal waiver for in-home services. She identified some areas and situations that are being focused on to improve services which includes evaluation of methods being used.

#### **10. Status Update of Developmental Center Building Project and Master Plan**

Paul Smith, Director of Services for People with Disabilities (DSPD), introduced Guy Thompson, Director of the Utah State Developmental Center, and presented the purpose for the developmental center and the master plan. He continued to give a progress report of this plan and development of the center. Mr. Smith continued with what would happen as things progress

on the project. Mr. Thompson shared that he appreciates the funding from the Committee and the development of the center.

**11. Update From the Health Reform Task Force**

<http://le.Utah.gov/interim/2014/pdf/00005509.pdf>

Sen. Christensen explained that the task force has been working hard during the summer and would continue to meet. He referred to the Healthy Utah Plan and stated that he was personally disappointed because of the increase of costs in that plan. He went through the packet and addressed and explained the information in it.

Rep. Redd asked for estimations of services since the Healthy Utah Plan has been announced. Sen. Christensen suggested that this is a complex issue and is all subject to interpretation.

**12. Quarterly Status Reports on Replacement of Medicaid Management Information System (MMIS)**

<http://le.utah.gov/interim/2014/pdf/00005430.pdf>

Michael Hales, Deputy Director, Utah Department of Health (UDOH), reviewed the information regarding the savings of \$500,000 so far with regard to the plastic eligibility card. He continued to share information about installments of appropriations to come according to the Governor's budget. Sen. Christensen inquired what amount the Governor's proposal was and Mr. Hales indicated that it is \$3.5 million.

**13. Follow up on Information Provided in Committee**

Doug Thomas, Director, Division of Substance Abuse and Mental Health (DSAMH), spoke on partnership with the Department of Health (DOH) in suicide prevention and indicated there has been one meeting in Davis County and another has been planned. He also said that rather than convening statewide they will meet in certain areas at a time. He emphasized the importance of their partnership with DOH and the State Office of Education. Rep. Cosgrove asked about the number of suicides this year and Mr. Thomas indicated there seems to be a leveling off and last year the number was 587 and this year fewer than that which is still more than car crashes.

Rep. Redd asked for clarification if this would be in counties or individual health departments. Mr. Thomas indicated that this would probably be within the counties and that information gleaned would be protected.

Michael Hales returned to speak on the Accountable Care Organizations (ACO). He covered the information on questions asked about them. The information from customers is that they are as well off as previously indicated. He indicated more information will be given before the spring. Rep. Cosgrove asked what progress is being made on integrating the mental health aspects and oral care aspects in the ACOs. Mr. Hales indicated that this needs to be discussed further. The focus now is on physical care within the ACOs.

Dr. Mark Babitz, Director, Department of Health (DOH), addressed the fee amount to charge nursing care facilities for the extra visits for gross non-compliance issues and stated that because of the federal government contributions they are not allowed to charge a non-compliance fee. He also addressed the change of oversight of the Organ Donation Fund. He stated there is a brand new committee and that this currently has more liabilities than there is money in the fund. He informed the Committee that there is work being done to solve this issue. He continued to give an update of implementation of SB 75 Primary Care Grants Amendments. Sen. Christensen reported on a client in St. George that he had communicated with.

**14. Update on Implementation of SB 75 Primary Care Grants Amendments**

(covered with previous item)

**15. Updated Federal Guidance for Covering Autism Services Within Medicaid**

(covered with agenda item #2)

**16. Review of Some Fee-supported Programs**

<http://le.utah.gov/interim/2014/pdf/00005438.pdf>

Russell Frandsen, Fiscal Analyst, gave a review of the fees and compared a request for \$87,000 to a shortfall of cost vs revenue for state-only licensed facilities of \$38,200.

**17. Alzheimer's Disease and Related Disorders the Role of State Government**

<http://le.utah.gov/interim/2014/pdf/00005511.pdf>

<http://le.utah.gov/interim/2014/pdf/00005507.pdf>

Norman L. Foster, M.D., Director, University of Utah Center for Alzheimer's Care, Imaging and Research, referred to the document which includes a request for funding. He shared some facts from the documents concerning Alzheimer's care being given in the state. He said that the state government is the largest payer for dementia care because of Medicaid payments. He focused more information on cost savings. Dr. Foster proceeded to cover the information on the slide document.

Rep. Cosgrove commented on a case he was associated with about Alzheimer's and a person he knew who was dealing with the care of someone. There was frustration from this person and Dr. Foster responded that there are several places that can be sought for help and perhaps more information needs to be put forward about that care.

Rep. Tanner asked what should be looked for to help with early intervention. Dr. Foster said there are many areas that need to be looked at to detect that. He also said there are many other issues that need to be addressed in the detection of Alzheimer's. Rep. Cosgrove asked if this disease is passed from generation to generation. Dr. Foster responded that it is a familial disease.

Rep. Redd asked what the vision is to improve the understanding and treatment for doctors in rural areas. Dr. Foster replied that telehealth is an important facet to be looked at. There are also strategies to expand abilities to reach these areas. This incurs a cost and that is why they are asking for funding.

Rep. Ray asked if there are any markers to look for or any genetic testing to identify someone who would incur Alzheimers. Dr. Foster indicated there is a test and they are working on that and with Medicare.

#### **18. Utah Growth in Medicaid Spending**

<http://le.utah.gov/interim/2014/pdf/00005537.pdf>

Russell Frandsen, Fiscal Analyst, referred to the document and graphs available and the trend.

Michael Hales, Deputy Director, Utah Department of Health (UDOH), referred to footnote #7 on the document and wondered if that would give a better history for the Committee so that the same comparisons could be made. Mr. Frandsen addressed the reason for that figuring. There was more discussion on the issue.

Rep. McCay wondered if the numbers had been looked at according to the Healthy Utah Proposal. There was discussion as to the question and figures given.

Michael Hales, Deputy Director, Department of Health (DOH), indicated that there will probably be new numbers issued next week because an analysis is being done currently.

#### **19. Medicaid Pilot to Manage Clients with Chronic Conditions**

Michael Hales, Deputy Director, Department of Health (DOH), indicated that this is an initiative Rep. Redd brought to the DOH. He reviewed the issue and the concern for those with chronic conditions and the gaps present along with thresholds that cause issues. A pilot program to use some interventions to assist families in these situations is part of this year's proposal.

Rep. Redd thanked Mr. Hales for the overview and stated that this is to assist families in difficult situations. He continued to present situations to support the reason and need for this proposal.

Sen. Christensen gave thanks to the Committee and Rep. Cosgrove thanked Rep. Ray and several others including the staff for their service. Rep. Menlove gave thanks and recognized Rep. Cosgrove and Rep. McCay

**MOTION:** Rep. McCay moved to adjourn. The motion passed unanimously.

The meeting was adjourned at 5:15 pm.